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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,885	06/25/2003	Michael Edward Baum	STL11279	3000

7590 12/07/2004

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EXAMINER
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SNIEZEK, ANDREW L

ART UNIT	PAPER NUMBER
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2651

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/603,885

Applicant(s)

BAUM ET AL.

Examiner

Andrew L. Snizek

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8,11,12,15,16 and 18 is/are rejected.
- 7) ☒ Claim(s) 3-5,7,9,10,13,14,17,19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/25/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 6/25/03 has been considered.

### ***Drawings***

The drawings filed 6/25/03 are acceptable to the examiner.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohba US006172838B1.

Re claim 1; identifying zone boundaries satisfied by Figure 10A (A,B),  
Retrieving compensation values satisfied by values (I1 and I2), approximating a  
compensation value for a destination position satisfied by column 10, lines 37-40 and  
generating a control signal satisfied by column 10, lines 41-56.

Re claim 2; linear interpretation satisfied by column 10, line 39.

Re claim 6; equation satisfied by equation described in column 10, lines 45-49.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2651

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8, 11-12, 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohba in view of Ellis US006392834B1.

The teaching of Ohba is discussed above and incorporated herein. Claim 8 additionally sets forth summing the compensation values with a write-in repeatable run-out value, which although not taught by Ohba is known in the art as taught by Ellis (figure 4) so that write-in repeatable run-out in a drive can be compensated (see abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to include such a feature, taught by Ellis, in the arrangement as taught by Ohba to allow for the compensation of write-in repeatable run-out. Apparatus claims 11, 12, 16 and 18 are drawn to the apparatus corresponding to the combination of method limitations of using same as claimed in claims 1, 2, 6, 8. Therefore apparatus claims 1, 12, 16 and 18 correspond to combination of limitations of method claims 1, 2, 6

Art Unit: 2651

and 8, and are rejected for the same reasons of anticipation (obviousness) as used above.

Claim 15 additionally sets forth the use of track numbers to determine zone boundaries which although not specifically discussed in Ohba is deemed satisfied by Ohba since disks are conventionally written in what is known as tracks and boundaries A and B must be define using track numbers between the inner and outer limits of the disk.

***Allowable Subject Matter***

6. Claims 3-5, 7, 9-10, 13-14, 17, 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

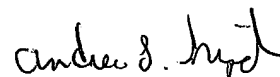
7. The following is a statement of reasons for the indication of allowable subject matter: The claimed arrangement as set forth in claim 3/1 and 13/11 having a table that is composed of radially-dependent repeatable run-out zoned compensation values is neither taught by nor an obvious variation of the art of record. Claims 4, 5 and 7 directly depend on claim 3. Claims 14 and 17 depend on claim 13. The specific equation that is used to generate the control signal as set forth in claim 9/1, 19/11 is neither taught by nor an obvious variation of the art of record. Claim 10 directly depends on claim 9. Claim 20 depends on claim 19.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 703-308-1602. The examiner can normally be reached on Mon.-Fri..

Art Unit: 2651

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew L. Sniezek  
Primary Examiner  
Art Unit 2651

A.L.S.  
12/4/04